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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONARD ANDREW RUSSELL,

Defendant and Appellant.

B264593

(Los Angeles County  
Super. Ct. No. NA075834)

APPEAL from an order of the Superior Court of Los Angeles County, William C. Ryan, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Richard B. Lennon, Staff Attorney, under appointments by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Leonard Andrew Russell, appeals from an order denying his Penal Code section 1170.126<sup>1</sup> sentence recall petition. We appointed counsel to represent defendant on appeal. After examining the record, appointed appellate counsel filed an “Opening Brief” in which no issues were raised. Instead, appointed appellate counsel asked this court to independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) On November 10, 2015, we advised defendant of his right to file a supplemental brief within 30 days. No supplemental brief has been received.

We have examined the entire record and are satisfied appointed appellate counsel have fully complied with their responsibilities. Defendant is serving 3 concurrent 25-year-to-life sentences for semiautomatic firearm assault in violation of section 245, subdivision (b). Semiautomatic firearm assault is a serious felony. (§ 1192.7, subd. (c)(31); *People v. Le* (2015) 61 Cal.4th 416, 425.) Therefore, defendant is ineligible for resentencing. (§ 1170.126, subd. (e)(1); see *People v. Vargas* (2014) 59 Cal.4th 635, 639, fn. 3.)

The order under review is affirmed.

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TURNER, P.J.

We concur:

MOSK, J.

KRIEGLER, J.

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<sup>1</sup> Further statutory references are to the Penal Code.